Previous references.
Serials 1+2 of file

1940.
(Court)

File No. 57-40.

Serial Nos. 3-4.

Later references.
CL-74-13-1-2
" 1-25-40.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3-4

Part B. for June 40.

SUBJECT.

Investiture of Judicial officers with power to try cases under the Breach of Contract Act.

Table of Contents

3. From the Regr-Ch-Ct.
Towards certain recommendation rolls for investiture of powers under the breach of Contract act, received from the D.C. Bangalore for necessary action-

4. To the Regr-Ch-Ct. no L 33768/46.11
States that no special authorisation is necessary.
Copy to the D.C. Bangalore no J 33768/46.11

G. R. S. 58

in suppression of 2 of this file

know for the information
of the Chief Justice that
orders were passed by Govt
on a similar reference
(Ch. File No: 57 of 1910-11 - which
was sent D.O. for CJ's opinion
and returned on 14.9.10.)

Yours sincerely
Illegible

S. Hariyanna Naidu
for Secy to Govt.

J 2014

Bangalore
7th Feby 1911.

Dear Sir,

(1) A reference is pending as to whether certain Judicial Officers cannot exercise powers under Act XIII of 1859, without being specially invested, by virtue of Chief Commissioner's letter dated 22nd June 1866 printed at page 183 of Mayne's Manual. Will you kindly let me

Esq &c

G.R.S. 11] 190-11

GENERAL AND REVENUE SECRETARIAT

(Courts.)

NOTES.

Cts File No. 57-10.

FILE HEADING.

Investiture of Judicial Officers with power to try Cases under the Breach of Contract Act.

From

Dated Received

Enclos. Spare Copies Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P. J. O.

NOTES—First sheet.

GPB—15,000—24-4-09

G. R. S. 12]
General and Revenue Secretariat.

Ch. File No. 57 of 1910-11

Serial No. 2

The records have been searching for the original papers and have not yet been successful.
The records have also been inspected.
[illegible]

(in Courts File 157-10 & N. 2.)
Dy R.

Subd. Chief Commissioner's letter No 1093-39 dated 22nd June 1866, States that the power conferred by Act XIII of 1859 (Breach of Contract Act) should be exercised by Sessions Judges, Dy Commissioners and Assistant Commrs. who are 1st Class Magistrates, throughout Mysore. When the District Magte of Bangalore was informed that Special authorization in this behalf was necessary in the case of 1st Class magistrates also, this reference had not been traced either in this office or in the Chief Court which was also consulted in the matter. Subd for orders.

SW(11) 10/2/11

3 The Chief Commissioners letter can not legalise what the Act has omitted to provide for. However as the point will receive the attention of the learned Chief Judge we may send on file to the Ch. Ct. Registrar reply (D.O.) accepting the

Registrar

11/2/11

Shall we get a copy of this letter & if not we shd discuss the matter if necessary.

11/2/11

Subd. Yes, we have a copy in the Records and this was the copy put up while first submitting this file.

11/2

P.O.

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G.R.S. 12]
General and Revenue Secretariat.

Ct File No. 57 of 1910-11

Serial No.	
	5
our office file sent to Chief Court, has since been received back.	Subd with a draft D.O. to the Registrar Jud (122) 13-2-11 SN
	Issued. No J 2293 8/152-11. 13/2/11
3	From the Registrar, Chief Court. No 3752/240 dt 15.2.1911. Forwards three recommendation rolls, received from the District Magistrate of Bangalore, for investing certain 1st Class Magistrates with power to try offences under the Breach of Contract Act. I states that this has apparently been done by the Chief Commrs letter of 1886
7)	Subd. Please see para (2) of the office note above. Jud (122) 24-2-1911. SN(11)
8)	The Chief Court seems to hold that the letter of the Chief Commr makes "appoints" (vide Sec 2 the Act) by designation all Magistrates of the 1st class as Magistrates authorised to try offences under the Act. If so there was no necessity to have forwarded the recommendation roll at all to Govt. But it appears

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Cs File No. 57 of 1910 – 11

Serial No.	
	to be open to some doubt as to whether the Chief Commr's "letter" to the magistracy may be taken as sufficient "Evidence of appointment" under the Act.
	9) The Office will please find out whether the Gazette of 1866 Contains any notification of such appointment. [Please send to all issues of the Gazette from 23rd March 1866 to the end of June of the same year]
	Cs Encr 24/2/11 SA
* Please see requisition (i) below.	10) Subd. No such notification appeared in the Gazette (the publication of which began from April 1866)
	Secs. (22) SN(11) 4/3/11 Subd to 2 under SA 4/3/11
1625	11) I believe that 1st Class Magistrates have been exercising these powers

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Cts File No. 57 of 1910-11.

Serial No.	
	without authorisation till now. Why should we by a fresh notn unsettle matters. The Ch. Cs letter was an order as good as a notn. Why can it not be held to be in force still?
12	Please put up a copy of Act XIII.
	Copy put up. 6/3/11
	Recpm D.O. 15/3
	Ho 15/3/11
	Hd of P. 13 Subd with a copy of Act XIII of 1859.
	SW(II) 15/3/11 12)
	14 I think that the Ch. Cs ~~Note~~ Order referred to is sufficient. ~~Please~~ It is to be regretted that this Office was not able to discover this for me. The letter to the D. M. of Bampur here to the Contrary may be Cancelled.
	13) Please draft & submit to Sd Swan also for approval.
	15/3/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Cs File No. 57 of 1910-11.

Serial No.	
15	Submitted with a draft reply to the Chief Court. HCS(122) Dewan 17.3.11. CN(11) 17.3.11 10621 18.3.11 Draft approved by the Dewan 29.5.11. Issue CB 4/6/4 SA 1/6/11.
4	To the Registrar, Chief Court No. J3876 dt 9.6.11. States that no special authorization is necessary. To the District Magistrate Bangalore No. J3877 dt 9.6.11 Forwards a Copy of the above

NOTE—Contn. sheet.

GPB—50,000—12-8-10

14-2

G.R.S. 26]

File No.

Serial No.

Diary No. of letter replied to

D.O. No. J 2193/1857-
Endt/file

General and Revenue Secretariat
(CS)
, *the* 19 .

To

Dear Sir,

With Reference
your D.O. dated the 7th
instant, I am desired to
forward herewith Court-
File N° 57 of 1910-11, Serial
N° 102, B. Nov 1910,
Containing the
papers relating to the
question of the Special
investiture of 1st class
Magistrates with power
to try Cases falling
under the Breach of

over.

Date of issue 15-2-11

Signed by W. S. Arijaratnaraja

SUBJECT.

Contract Acts, and to
request that the same
may kindly be returned
when done with.

Yours Sincerely.

V. A. Rajaratna Mudr Esqr
Registrar, Chief Court of Mysore.

List of enclosures,

Copied by 14/2/11

Examined by

GPB—20,000—26-9-10

No. 37 S2 Revs
No. 1240 M
Trans,

Bangalore, 15th February 1911.

From

The Registrar of the
Chief Court of Mysore.

To,

The Offg: Secretary to Government,
General & Revenue Depttts.

Sir,

I am directed to forward three recommendation rolls, received from the District Magistrate of Bangalore, for investing the marginally named

* Mr: G. Aravamuda Iyengar. } 1st. Class
Mr: K. Krishna Iyer. } magistrates
Mr: C. Rangavatha Rao Sahib. } with power

to try offences falling under Act XLII of 1859 and to say that apparently all 1st class magistrates are already invested by virtue of the Chief Commissioner's letter No: 1093-39

dated

4

dated 22nd June 1866 (printed on page 183 of Brangle's Manual.)

I have the honor to be,
Sir,
Your most obedient Servant,

Registrar.

RECOMMENDATION ROLL FOR INVESTITURE OF CRIMINAL POWERS.

1. Name Mr. G. Aravamudu Iyengar

2. Official Disignation Senior Assistant Commissioner Doddaballapur Sub Division

3. Pay Rs 500/- per month

4. Examinations passed B.L. degree of the Madras University and Criminal and Revenue examinations of the Mysore Local Service.

5. When appointed Magistrate Appointed Sub Divisional Magistrate on 10-11-1908

6. No. & date Notification investing him with powers G.O. No. J. 1322/654-6 dated 10-11-1908

7. Powers for which recommended and reasons To try offences falling under Act No XLV of 1859.

8. Remarks as to efficiency, &c. A long standing Magistrate.

District Magistrate's Office,
Bangalore District,
Dated 13th February 1909.

District Magistrate
of the Bangalore District.

6

RECOMMENDATION ROLL FOR INVESTITURE OF CRIMINAL POWERS.

1. Name Mr. K. Krishna Iyer

2. Official Disignation City Magistrate, Bangalore.

3. Pay Rs 600/- per month.

4. Examinations passed Revenue, Criminal and Civil Part I of the Mysore Local service examinations.

5. When appointed Magistrate Magistrate of the 1st: class on 6th: July 1910.

6. No & date Notification investing him with powers C. 12/Jud. 3-09 dated 6th: July 1910

7. Powers for which recommended and reasons To try offences falling under Act XIII of 1859

8. Remarks as to efficiency, &c. A senior assistant commissioner

District Magistrate's Office,
Bangalore District,
Dated 13 - 2 - 1911.

District Magistrate
of the Bangalore District.

RECOMMENDATION ROLL FOR INVESTITURE OF CRIMINAL POWERS.

1. Name Mr. C. Ranganatha Rao Sahib

2. Official Disignation Assistant Commissioner, Bangalore Sub Division

3. Pay Rs 250/- per month.

4. Examinations passed B.L. degree examination of the Madras University and Revenue & Registration examination of the Mysore Local service.

5. When appointed Magistrate Appointed 1st class magistrate on 6-2-1909

6. No. & date Notification investing him with powers G.O. No. J 2265 dated 6-2-1909 Cr. 247-08-2

7. Powers for which recommended and reasons To try offences falling under Act No. XLV of 1859.

8. Remarks as to efficiency, &c. A long standing magistrate.

District Magistrate's Office,
Bangalore District,
Dated 13th February 1909.

District Magistrate
of the Bangalore District.

G.R.S. 26]

File No. 57-C.

Serial No. 4

2425/2/6 *Diary No. of letter replied to*

No. J3376.

General and Revenue Secretariat
(C.S.)
, *the* 19 .

To The Registrar, Chief Court of Mysore

Date of issue 9-6-11

Signed by Mr K. Venkatarao

Sir,

Adverting to your letter N° 3752/240 dated the 15th Feb. 1911, forwarding recommendation rlr received from the District Magistrate of Bangalore for investing certain first class Magistrate's with power to try Cases under

over.

SUBJECT.

KBB 8/6/11

the Breach of Contract
Act, I am directed to
state that Govt agree
with the Chief Court that as
the Chief Commissioners
letter N° 1093-39 dated 22nd W.
June 1866 confers such
powers on all ~~Class~~
Magistrates of the 1st class, no Special
authorization in this
behalf is necessary in
respect of ~~that matter class~~ such
of Magistrates. The District
Magistrate of Bangalore
has been informed
accordingly

I have, &c.,

17-3-11

SN-11
17/3/11 J 33746 9-6-11. for Secy.

Copy of the foregoing letter
is forwarded to the District
Magistrate of Bangalore for information.
in continuation of this
office letter N° J 1581-Ct. 57-10-2
dated 25-11-1910.

B. O.
17.3.11
for Secy.

SN

List of enclosures,

29 March 11

Copied by

Examined by SN

GPB—20,000—26-9-10